

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TESSA KNOX, :

Plaintiff, :

-against- :

17 Civ. 772 (GWG)

JOHN VARVATOS ENTERPRISES, INC., :

ECF Case

Defendant. :

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DECLARATION OF TRIPTI PANDEY IN OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

TRIPTI PANDEY hereby declares pursuant to 28 U.S.C. § 1746:

1. I am an opt-in plaintiff in this case.

2. I am making this declaration in opposition to the motion of defendant John Varvatos Enterprises, Inc. ("JV") for summary judgment based upon my personal knowledge. If called as a witness, I would testify to the facts set forth below.

3. I worked for JV as a sales professional at JV's retail store in San Francisco, California from August 25, 2011, until May 25, 2015, and from October 18, 2015, to June 6, 2016. Effective June 6, 2016, I was promoted to sales manager. I still hold that position at the San Francisco Store today.

4. At the San Francisco Store, I worked alongside male sales professionals, such as Label Atkinson, Jason Weeks, Chad Bartholomew, Bradon Lloyd, Jeffrey Bachand, Chad Conners, Frank Salazr, Steven Shears, Matthew Stewart, Kyler Sullivan, and Aaron Sunshine. Aside from the requirement that male sales professionals comply with the Male Dress Code, no male sales professional had a job requirement that I did not

have. On the other hand, no male sales professional was required to comply with the Female Dress Code.

5. Over the approximately six years that I have worked for JV, I estimate that I asked a male sales professional to try on JV clothing, always outerwear, such as jackets, about once a month. Each time, the male sales professional tried on the outerwear on the sales floor, and did not go to a dressing room. All the male sales professional did was take off the jacket he was wearing and put on the item I handed him. The process took no more than 3-5 minutes.

6. I am not aware of any JV policy that required the male sales professionals to try on clothing for customers.

7. During the time that I have worked at JV, we have held storewide meetings when the new season of clothing would come in, which happened four times a year. I attended these meetings. These meetings lasted about an hour. At these meetings, the male sales professionals would try on one outfit.

8. During the time that I have worked at JV, I never heard any male sales professional complain that the JV clothing they wore was uncomfortable or hindered their ability to do their job. I never heard any customer complain that JV clothing was uncomfortable.

9. At no point did anyone from JV tell me that I was, or would be, receiving

additional compensation because I did not receive a Clothing Allowance.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this ____ day of June 2018 in San Francisco, California.

6/6/2018

A handwritten signature in black ink, appearing to be 'Tripti Pandey', written over a horizontal line.

Tripti Pandey